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I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

- 1) Petition for Revival of an Application for Patent Abandoned Unintentionally
Under 37 CFR 1.137(b)
- 2) Statement Under 37 CFR 1.137(b)
- 3) Reply Under 37 CFR §1.116
- 4) Credit Card Payment Form
- 5) Return Postcard

Melissa Hardy

Name

Melissa Hardy

Signature

June 23, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP ART UNIT: 1638

Chengcai Chu et al.

APPLICATION NO: 09/581,036

EXAMINER: Kallis, Russell

FILED: August 8, 2000

CONFIRMATION NO: 2299

FOR: Genetic Method

STATEMENT UNDER 37 C.F.R. 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the attached Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b) be granted. Applicant makes a statement below showing that the delay in filing Applicant's Reply to the November 6, 2002 Office Action was unintentional.

The November 6, 2002 Office Action was received by outside counsel, Hale and Dorr, on November 11, 2002. The entire case was subsequently transferred to Syngenta inside patent counsel for all future prosecution and docketing.

The Office Action Summary form PTO-326 of the November 6, 2002 Office Action stated: "This action is non-final." Upon receiving the file from Hale and Dorr, Syngenta's docketing paralegal docketed a deadline to reply to a non-final Office Action accordingly. Syngenta's attorney responded on February 29, 2003, paying a fee for one month extension of time, without a Notice of Appeal.

Applicant received a Office communication on June 14, 2002, stating that Applicant's reply was "not fully responsive to the prior Office Action because of the following omission(s) or matter(s): form PTO-326 contained an error indicating the action was non-final, however the office action itself contained no new rejections and indicated in conclusion that the action was final." As

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Applicant's reply should have been under 37.C.F.R. 1.116 (rule 116 amendment after final action), the PTO did not enter the amendments.

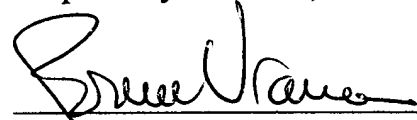
As a result of the PTO-326 form stating that the action was non-final and because Applicant's docketing paralegal inadvertently docketed the Action as non-final, Applicant did not file a Notice of Appeal with its Reply under 37 C.F.R. 1.111 and as a consequence the above captioned application is now abandoned.

Applicant hereby states that, for the above reasons, the delay in filing the attached Reply to the November 6, 2002 Office Action and subsequent abandonment of the above captioned application was unintentional. Applicant respectfully requests that Applicant's attached Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b) be granted.

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Date: 6/23/03

Respectfully submitted,



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